

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

NIDIA HESTON and ADRIAN HESTON IV, §
Next friends of A.H., §

Plaintiffs, §

v. §

1:18-CV-18-RP

THE SCHOOL BOARD OF AUSTIN §
INDEPENDENT SCHOOL DISTRICT and §
JENNIFER HARDISON, §

Defendants. §

ORDER

Before the Court is Plaintiffs' motion to dismiss their claims without prejudice against Defendant Jennifer Hardison pursuant to Federal Rule of Civil Procedure 41(a)(2). That rule permits a Court to dismiss an action at the plaintiff's request on "terms that the court considers proper." Fed. R. Civ. P. 41(a)(2). Hardison has not timely responded to Plaintiffs' motion; the Court therefore considers it to be unopposed. W.D. Tex. Loc. R. CV-7(e)(2). Having considered the circumstances of this action, along with the lack of opposition, the Court concludes that dismissal of Plaintiffs' claims against Hardison without prejudice is proper.

Therefore, **IT IS ORDERED** that Plaintiffs' motion, (Dkt. 64), is **GRANTED**. Plaintiff's claims against Hardison are **DISMISSED WITHOUT PREJUDICE**.

SIGNED on July 17, 2019.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE